

**WEATHERLY BOROUGH COUNCIL
REGULAR MEETING
October 25, 2021
4:00 P.M.**

UNAPPROVED

The Regular Meeting of Weatherly Borough Council was held on October 25, 2021, at 4:00 p.m. in the Municipal Building.

Mayor Paul Hadzick called the meeting to order.

Pledge of Allegiance and Invocation by Theresa D'Andrea.

Council Members attending: Joseph Cyburt, Theresa D'Andrea, Harold Farrow, Jeffery Miller, Norman Richie, Joseph Thomas, and Paul J. Hadzick.

Also attending: Borough Manager, Harold Pudliner; Borough Solicitor, James Nanovic; Borough Secretary, Lori O'Donnell; Police Chief Brian Markovchick; Journal Newspapers reporter, Seth Isenberg; Standard Speaker Reporter, Jill Whalen; Edward Moyer (Live Streaming to Facebook) and citizens: Melanie Zacharias, Bill Beattie and Larry Wittick (Tamaqua Transfer).

MINUTES:

The minutes of the Regular Meeting of September 27, 2021, were approved on a motion by Joseph Cyburt, seconded by Jeffery Miller, and approved by general acclaim of Council.

TREASURER'S REPORT:

The checking account balances as of September 30, 2021, totaled \$571,749.40.

The Treasurer's Report was approved on a motion by Norman Richie, seconded by Joseph Thomas and by roll call vote:

Harold Farrow	Yes	Joseph Cyburt	Yes
Joseph Thomas	Yes	Theresa D'Andrea	Yes
Jeffery Miller	Yes	Norman Richie	Yes
Paul Hadzick		Yes	

APPROVAL OF BILLS:

The Manager provided a listing of the bills paid on October 7, October 14, October 21, and those to be paid on October 28, 2021, in the amount of \$188,418.36 and they were approved for payment on a motion by Joseph Cyburt, seconded by Jeffery Miller and on a roll call vote:

Joseph Thomas	Yes	Joseph Cyburt	Yes
Jeffery Miller	Yes	Harold Farrow	Yes
Norman Richie	Yes	Theresa D'Andrea	Yes
Paul Hadzick		Yes	

OTHER ITEMS OF CONCERN:

Contractor License:

Harold Farrow stated that he would like to have the contractor license re-instated. If there is a problem the contractor would be on file. Joseph Cyburt added that at least the Borough would know who is working as a contractor because their vehicle does not always have their vehicle labelled with the company name.

Joseph Thomas also was in favor of re-instating the contractor license. Mr. Pudliner said he would pull out the old ordinance.

BUSINESS:

1. Open Bids and Vote on Garbage Contract.

Bids were requested for a one-, three- or five-year contract. Three bid packages were sent out. Two bids were received from County Waste and Tamaqua Transfer in the amount of:

	<u>County Waste</u>	<u>Tamaqua Transfer</u>
One Year Contract	\$ 215,064.00	No Bid Provided
Three Year Contract	\$ 668,181.60	\$ 765,520.00
Five Year Contract	\$1,170,492.00	\$1,342,849.00

Harold Farrow questioned who would police how much is put out each week for collection. Mr. Pudliner stated that would be up to the garbage company. Joseph Cyburt suggested accepting the one-year contract and see what happens. Norman Richie and Jeffery Miller agreed with accepting the one-year contract and look for other options. Solicitor Nanovic said he would not recommend going with a 5-year contract. Council should consider staying with a one- or three-year contract.

Larry Wittick from Tamaqua Transfer stated that five years ago County Waste was predatory on pricing, and significantly under bid to get the contract and now they are making it up. Mr. Wittick stated that when he bids, he bids lower and feels County Waste lowered their bid to keep the contract for Tamaqua Transfer. Larry added that they did not miss a pickup since the start of COVID, except one recently. County Waste did due to a personnel shortage.

Paul Hadzick called the Tamaqua Transfer station and the dumping fee is \$63/ton depending on the size of the load. Mr. Hadzick thinks County Waste is losing money each time. Mr. Wittick spoke to an attorney and predatory pricing is illegal, but they must prove County Waste was predatory pricing and it is a lengthy process and the contract would probably expire first.

Jeffery Miller questioned what our tonnage was and Larry Wittick stated 750 – 800 tons per year. Recycling is very picky and if the load is contaminated, the entire load goes into the trash. Contamination example: lid on water bottle.

Mr. Wittick will provide his cellphone number to everyone at the Borough and he will personally address any problems including picking up garbage.

A motion to accept the lower bid for a 3-year contract from County Waste was made by Joseph Thomas, seconded by Theresa D'Andrea and a roll call vote was taken:

Jeffery Miller	No	Norman Richie	No
Joseph Cyburt	No	Harold Farrow	No
Theresa D'Andrea	Yes	Joseph Thomas	Yes
Paul Hadzick		No	

A motion to accept the low bid for a 1-year contract with County Waste was made by Norman Richie, seconded by Joseph Cyburt and approved by roll call vote:

Norman Richie	Yes	Jeffery Miller	Yes
Theresa D'Andrea	Yes	Harold Farrow	No

Joseph Thomas	No	Joseph Cyburt	Yes
Paul Hadzick		No	

2. Vehicle Ordinance has been Published and Ready for Vote.

A motion to approve the updated Vehicle Ordinance was made by Jeffery Miller, seconded by Joseph Cyburt and approved on a roll call vote:

Joseph Cyburt	Yes	Harold Farrow	Yes
Theresa D’Andrea	Yes	Joseph Thomas	Yes
Norman Richie	Yes	Jeffery Miller	Yes
Paul Hadzick		Yes	

3. Resolution to Lease a Tar Buggy through Mauch Chunk Trust Company for \$11,450.00 for 3 years.

A RESOLUTION

OF THE COUNCIL OF THE BOROUGH OF WEATHERLY, CARBON COUNTY, PENNSYLVANIA, AUTHORIZING THE INCURRENCE OF LEASE OBLIGATIONS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$11,450.00, TO BE EVIDENCED BY A GOVERNMENTAL FINANCE LEASE AGREEMENT WITH MAUCH CHUNK TRUST COMPANY (THE “LESSOR”) TO WHICH THE LESSEE WILL PAY RENTAL PAYMENTS IN CONNECTION WITH FINANCING THE PROJECT DESCRIBED BELOW; ACCEPTING THE LESSOR’S PROPOSAL AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE GOVERNMENTAL FINANCE LEASE AGREEMENT; COVENANTING TO PAY AMOUNTS PURSUANT TO SUCH LEASE AND THE LESSOR’S PROPOSAL FROM CURRENT REVENUES, SUBJECT TO ANNUAL APPROPRIATION; AUTHORIZING AND DIRECTING THE TAKING OF NECESSARY OR APPROPRIATE ACTIONS, INCLUDING EXECUTION AND DELIVERY OF REQUISITE DOCUMENTS IN CONNECTION WITH SUCH LEASE; AND TAKING RELATED ACTIONS.

WHEREAS, the Borough of Weatherly, Carbon County, Pennsylvania (the “Lessee”), has determined that it is in the best interests of the Lessee to finance a project to purchase a Marathon D F 100 Tar Kettle / Trailer (the “Project”), with the terms of such financing found in a proposal from the Lessor, dated October 13, 2021 (the “Proposal”), and a Governmental Finance Lease Agreement, between the Lessee and the Lessor, to be dated the date of its delivery (the “Lease”); and

WHEREAS, the Lessee desires by this resolution to accept the Proposal and to authorize the execution and delivery of the Lease on behalf of the Lessee, and to authorize the taking of necessary or appropriate actions to perform the Lease.

NOW, THEREFORE, BE IT RESOLVED, by the Council (the “Governing Body”)of the Lessee, as follows:

SECTION 1. The Governing Body of the Lessee hereby accepts the Proposal and authorizes and approves the financing of the Project pursuant to the Proposal and the Lease.

SECTION 2. The Lease shall be substantially in the form presented to this meeting, which form is approved, together with such changes and modifications thereof as are necessary to incorporate the terms of the Proposal and such additional changes and modifications as are approved by the officers of the Lessee executing and delivering the same, which approval conclusively shall be deemed to have been given upon execution and delivery thereof.

SECTION 3. The Lessee covenants to pay the Lessor rental payments as provided in the Proposal and the Lease from current revenues, subject to annual appropriation.

SECTION 4. Proper officers of the Lessee are hereby authorized and directed to execute, attest, seal, and deliver the Lease in the form provided in Section 2 hereof. Such execution, attestation, and delivery of the Lease shall constitute conclusive evidence of such approval.

SECTION 5. Proper officers of the Lessee are authorized and directed to execute and to deliver such documents and to do such other things as may be necessary, from time to time, to carry out the Lease, and the intent and purpose of this resolution and of such documents.

SECTION 6. Counsel engaged by the Lessee and the officers of the Lessee are hereby authorized and directed to do such other things as may be necessary and appropriate to enable the Lessee to proceed with the implementation of the Lease and the intent and purposes of this resolution.

SECTION 7. All resolutions or parts of resolutions insofar as the same shall be inconsistent herewith, shall be and the same hereby expressly are repealed.

Mr. Pudliner explained that the Borough’s tar buggy is over 30 years old and is in such bad condition that we do not feel that it is safe to use anymore. He found a unit that was under the required bid limits and he purchased it via a lease through Mauch Chunk Trust. The cost was \$11,450.00. Mr. Pudliner took a lease for 3 years at 1 ¼% interest. A resolution must be approved in order to complete the lease paperwork. At the end of the three years the Borough will own the tar buggy.

A motion to adopt a Resolution to Lease a Tar Buggy through Mauch Chunk Trust Company for \$11,450.00 for 3 years at 1 ¼% interest was made by Harold Farrow, seconded by Joseph Thomas and approved by a roll call vote:

Theresa D’Andrea	Yes	Harold Farrow	Yes
Joseph Thomas	Yes	Norman Richie	Yes
Jeffery Miller	Yes	Joseph Cyburt	Yes
Paul Hadzick		Yes	

4. Discussion on Roof Replacement of Steel Plant Area Building in the amount of \$11,400.00.

The roof on the building further down along the creek (Caboose House) is in fairly good shape and it would be a shame to lose it because of a leaking roof. The Borough will purchase the materials from Murphy's Lumber and have Rick Kane do the work. It would be a metal roof. Mr. Kane will strip the old roof off and repair any damaged boards. He will then install the new roof. The amount of the materials is \$6,774.71 and his contract is \$4,420.00 making the total cost \$11,494.71. Mr. Pudliner stated that he would like to have the work done prior to winter because the roof may not make it through the winter. Mr. Pudliner also added that this building can be used to lease when the trail comes.

A motion to have Mr. Pudliner proceed with the roof replacement was made by Joseph Thomas, seconded by Theresa D'Andrea and approved by general acclaim of Council.

ADJOURN:

A motion to adjourn the meeting at 4:40 pm was made by Norman Richie, seconded by Theresa D'Andrea.